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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,271

07/17/2006

Matthew Richard Alex Nye-Hingston

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EXAMINER

GLUCHOWSKI, KRISTINA R

ART UNIT

PAPER NUMBER

3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/576,271

Applicant(s)

NYE-HINGSTON ET AL.

Examiner

Kristina R. Gluchowski

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: Section (a), first line, "a housing with which latch a bolt" should be --a housing with which a latch bolt--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claim 1-14, it is unclear how the striker is mounted on the door using the installation aid device if the mount (12) is in line with shelf (8). From the drawings it appears that one would have to open the cabinet to install the striker. If this is the case, it is unclear how the installation aid stays attached to the striker device. It appears to only attach to the housing. Clarification is required.
5. Claim 1 and 14 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

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6. Regarding claim 6, the limitation that "a means rotational with said housing" is unclear. How does the means rotate with the housing if the housing is mounted to the cabinet. It appears that the housing does not rotate. Clarification is required.

7. Regarding claim 13, line 3 states the limitation "said striker plate". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2, 8 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cathala (WO 02/088496).

10. Regarding claim 1, Cathala shows a lock installation aid (60) to allow as an assembled unit the installation of a lock assembly of a kind which includes a housing (32) with which a latch bolt (see abstract or column 4, lines 1-2 of US 6994395 for English translation) is movable in its axial direction between a locking condition and a retracted into the housing more condition (herein after "unlocked condition") and a striker (38) including a region (open region below striker bar) with which the bolt can selectively engage to become constrained in movement relative and in at least a direction transverse to the axial direction therewith, said lock assembly assembled as a unit (see abstract, "the striker and bolt are linked together") by said lock installation aid which comprises an integrally formed body (entire member 60) defining a means (76)

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releasably engageable with said housing and a means (64) releasably engageable with said striker to hold said striker relative to said bolt in a manner fixed at least in a direction lateral to said axial direction.

11. Regarding claim 2, the installation aid engages to said housing to hold said striker with said housing to present said region of said striker in axial alignment with said bolt as an assembled unit (see abstract).

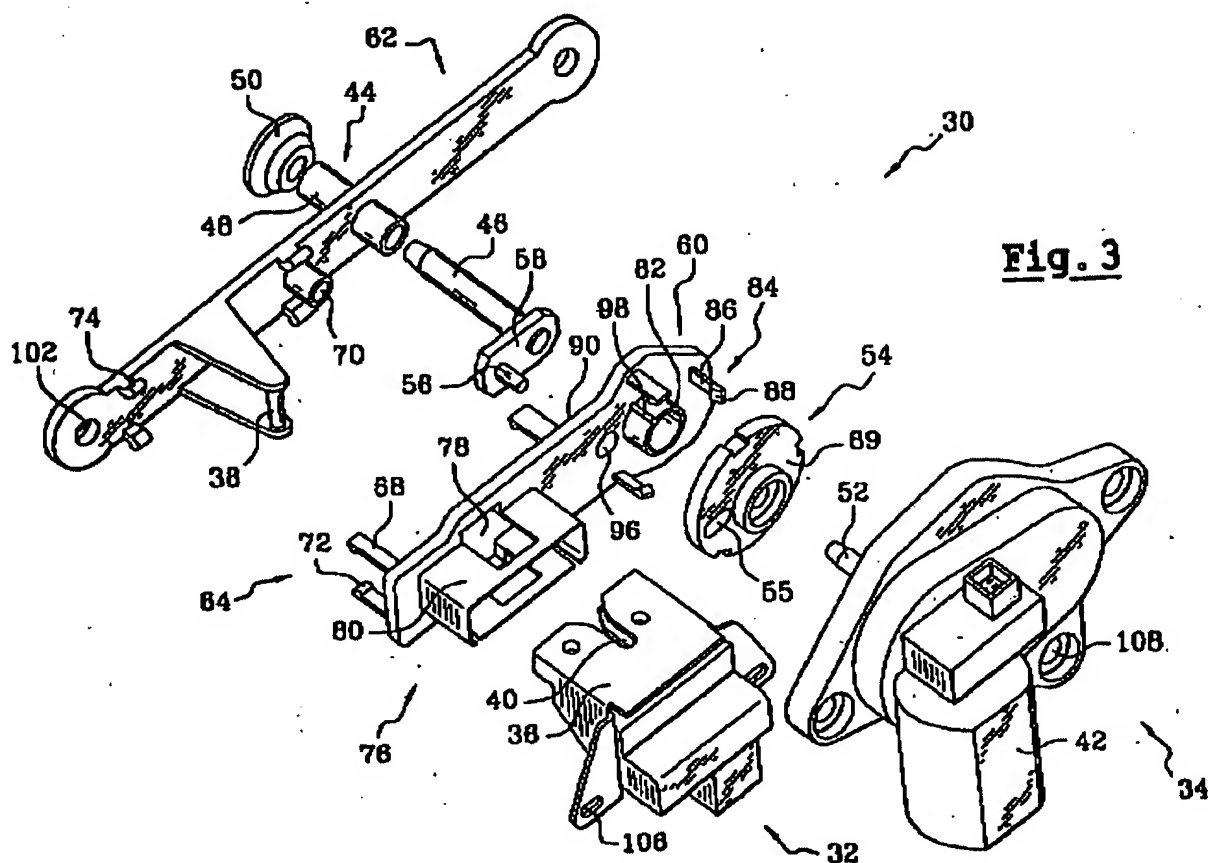
12. Regarding claim 8, the means releasably engageable with said housing includes an aperture (80) to allow said bolt to extend into said aperture.

13. Regarding claim 13, the striker also includes a mounting member (102), disposed from the striker plate (plate 62) in a manner to allow it to be mounted to a fixture.

14. Regarding claim 14, Cathala shows a lock set comprising a housing (32) with which latch a bolt (see abstract of column 4, lines 1-2 of US 6994395 for English translation) is movable in its axial direction between a locking condition and a retracted into the housing more condition (herein after "unlocked condition") and a striker (38) including a region (open region below striker bar) with which the bolt can selectively engage to become constrained in movement relative and in at least a direction transverse to said axial direction therewith, wherein said striker and said housing are assembled as a unit (see abstract, "the striker and bolt are linked together") by a lock installation aid (60) which comprises an integrally formed body (entire member 60) defining a means (76) releasably engageable with said housing and a means (64) releasably engageable with said striker to hold said striker relative to said bolt in a

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manner fixed at least in a direction lateral to said axial direction. See the Cathala device below.



15. Claims 1, 3-5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cathala (WO 02/088496).

16. Regarding claim 1, Cathala shows a lock installation aid (60) to allow as an assembled unit the installation of a lock assembly of a kind which includes a housing (34 and 54) with which a latch bolt (52) is movable (merely capable of moving) in its

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axial direction between a locking condition and a retracted into the housing more condition (herein after "unlocked condition") and a striker (44) including a region (48) with which the bolt can selectively engage to become constrained in movement relative and in at least a direction transverse to the axial direction therewith, said lock assembly assembled as a unit by said lock installation aid which comprises an integrally formed body (entire member 60) defining a means (84) releasably engageable with said housing and a means (58 and 60) releasably engageable with said striker to hold said striker relative to said bolt in a manner fixed at least in a direction lateral to said axial direction.

17. Regarding claim 3, the body includes a means (82) to keep separated said striker in the axial direction from said housing.

18. Regarding claim 4, the means to keep separated is a spacer region of said body.

19. Regarding claim 5, the means to keep separated is a washer shaped means formed as part of said body.

20. Regarding claim 7, the means releasably engageable with said housing includes a bayonet fitting projection (88), said housing including complimentary shaped receiving regions (see figure 6) for said bayonet fitting projection.

21. Regarding claim 9, the means releasably engageable with said striker is a cylindrical member (48).

22. Regarding claim 10, the means releasably engageable with said striker is a cylindrical member (46) and said striker provides its said region as an aperture (aperture 48) into which said cylindrical member is engaged.

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23. Regarding claim 11, the means releasably engageable with said striker is a pin (46) and said striker provides its said region as an aperture (48) into which said pin is engaged.

24. Regarding claim 12, the region of said striker is provided on a striker plate portion (plate 62) of said striker. See the Cathala device above.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Muneta (US 6494066), Boughton (US3972550), Hughes (US 3734551).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Gluchowski whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRG^W
March 15, 2007


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER